

Questions - Answers Unmasking

The Civil Right Bill

This copy has been written by John C. Satterfield, Past President of the Alabama Association of Negro Attorneys, who chose an area of law as an assignment or as a feature with Mr. Satterfield is Secretary-Treasurer of the Alabama Committee for Fundamental Fairness, Inc., P.O. Box 301 First Street, N.E., Washington, D.C.

The report of the bill is not a "moderate" bill and it has not been "watered down." It constitutes the greatest group executive power conceived in the 20th Century.

Q: You speak of the Civil Rights bill; isn't that a little strong?

A: Not in my opinion. This bill would give the Attorney General the sort of power he himself has

said would inject Federal executive authority into areas which are not its legitimate concern. It gives him broad discretion to act in matters of great political and national concern.

Q: What areas? What discretion?

A: Well, a large come to mind. The first think of is the power the bill gives him to act as attorney for individuals, without the individuals themselves bringing suit. For instance, under the provisions of the bill the United States Attorney General could inject himself into a dispute concerning the assignment of pupils in a school if the severity of this bill has grown. What was too strong yesterday is acceptable today. Even so, civil rights practitioners are not the only ones to face of this fact. They try to sell the present bill as a "moderate" or "watered down" version of Title II. As far as I can see, it is not the case. It is worse than the earlier bill, as this example proves.

Q: You spoke of other new powers. Yes, but, first, let me finish with this one. Not only could the Attorney General inject himself into a school room dispute but he could actually become the attorney for individual plaintiffs. By that I mean, his office would have to retain a lawyer's office for individuals who think—rightly or wrongly—their civil rights have been invaded. Such people would have nothing more than claim their rights have been invaded and if the Attorney General sympathized with them he would become their attorney. I am speaking of Title II, the public accommodations section of the Act, while the education section of the act and Title III, the facility section, would still have to pay their own way. I call this revolutionary. Certainly nothing so broad has ever been approved by a Committee before.

Q: Any other new powers?

A: There is one I call government by induction. Suppose a businessman has been charged with discrimination—and let me say parenthetically, nobody seems to be able to define what is discrimination, certainly the bill doesn't define it. Anyway, if a businessman has been charged with discrimination and this businessman either cannot or will not comply with the Attorney General's order, the Attorney General can invoke provisions of this bill (Title II, Sec. 204), which would have the power to take the business owner before a Federal panel there have been enjoined. Then, if the man could not, without destroying his business, comply with the injunction, off to jail he might go, without a jury trial and for a period up to 45 days.

Q: Then what?

A: Since this man got out, then the Attorney General could repeat the action, do it over and over again. Jail without trial is revolutionary, don't you think?

Q: What else is of primary interest?

A: Another facet of the discriminatory powers contained in the bill is what to do with what we lawyers call "judge shopping" or "forum shopping", the right to sit around until you get a court to your liking.

Q: You mean the Attorney General, under this bill, would have that right?

A: Indeed I do. Title I gives him that right. More over, if he thought it would help his cause, he could say where he wanted the case heard by one Federal Judge or by a panel of three Federal Judges. And if the regular judge of a certain district didn't suit him, however given the bill for three judges to be chosen from three districts by the presiding Judge of

the circuit.

Q: What about the defendants, would they be given the right to shop?

A: Indeed not, only the Attorney General; it is that one-stick.

Q: The Civil Rights bill seems to be built around the word, "discrimination". The bill says it shall be unlawful to discriminate because of race, religion, or national origin words to that effect. Just what does that mean?

A: Oddly enough, nobody seems to know, or if they know, they aren't talking. Despite this, it is trying to get the present bill passed. According to the first set of example of how the severity of this bill has grown. What was too strong yesterday is acceptable today. Even so, civil rights practitioners are not the only ones to face of this fact. They try to sell the present bill as a "moderate" or "watered down" version of Title II. As far as I can see, it is not the case. It is worse than the earlier bill, as this example proves.

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whatever steps they think necessary. Here, let me quote you Section 711-B of the act itself: "The President is authorized to take such action as he deems appropriate to prevent the committing or continuing of an unlawful employment practice."

Q: That way, that reads, he can do anything.

A: Just about. Fact is, since we are defined a definition of discrimination, the President, or his appointees in the Federal agencies, says it means—since this bill gives the civil rights enforcement agencies already set up to take whatever steps were necessary, and here I quote him, "to remove the effects of any employment practice under which discrimination may have resulted."

Q: What does that mean? What practical practices?

A: Who knows? more you think about it, the more it frightens you. One of the things is can mean is preferential treatment, and this is the point to all of this. This bill empowers governmental agencies to do whatever they please, it allows them, as the Secretary's order says, to take

100 such agencies would be involved—it allows each of them to determine for itself what is "discrimination". Thus, you see, the new version actually broadens the provision, which is to be ruled to be discrimination" could mean anything, racial imbalance or even racial discrimination in reverse, special privilege for special people.

Q: That's right. But he expressed this doubt, you should recall, some months ago, when similar powers were offered in a previous bill.

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